



General Assembly

Amendment

January Session, 2009

LCO No. 7489

HB0638507489HDO

Offered by:

REP. GODFREY, 110th Dist.
REP. FOX, 146th Dist.
REP. LAWLOR, 99th Dist.
SEN. MCDONALD, 27th Dist.
REP. O'NEILL, 69th Dist.

SEN. KISSEL, 7th Dist.
REP. KLARIDES, 114th Dist.
SEN. DOYLE, 9th Dist.
SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 6385

File No. 729

Cal. No. 474

"AN ACT CONCERNING REFORM OF THE PROBATE COURT SYSTEM."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 45a-77 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (b) (1) The Probate Court Administrator may issue and shall enforce
7 regulations, provided such regulations are approved in accordance
8 with subsection (c) of this section. Such regulations shall be binding on
9 all courts of probate and shall concern the following matters for the
10 administration of the probate court system: (A) Auditing, accounting,
11 statistical, billing, recording, filing and other court procedures; (B)

12 reassignment and transfer of cases; (C) training of court personnel and
13 continuing education programs for judges of probate, probate
14 magistrates, attorney probate referees and court personnel; (D)
15 remitting funds received by the courts of probate under section 10 of
16 this act to the Probate Court Administration Fund; (E) administering
17 the compensation plan established under section 11 of this act for
18 employees of the courts of probate; (F) establishing criteria for staffing
19 levels for the courts of probate for the purposes of subsection (b) of
20 section 11 of this act; (G) establishing criteria for the development and
21 approval of miscellaneous office budgets for the courts of probate for
22 the purposes of subsection (b) of section 11 of this act; (H) expending
23 funds from the Probate Court Administration Fund for the purposes
24 set forth in the regulations adopted pursuant to subparagraphs (D) to
25 (G), inclusive, of this subdivision; and [(D)] (I) the enforcement of the
26 provisions of this chapter and the regulations issued pursuant to this
27 section, including, but not limited to, recovery of expenses associated
28 with any such enforcement, as permitted by such regulations.

29 (2) The Probate Court Administrator may adopt regulations, in
30 accordance with chapter 54, provided such regulations are approved in
31 accordance with subdivision (1) of subsection (c) of this section. Such
32 regulations shall be binding on all courts of probate and shall concern:
33 (A) The availability of judges; (B) court facilities, personnel and
34 records; [(C) hours of court operation; and (D)] and (C) telephone
35 service.

36 Sec. 2. Section 45a-82 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective January 1, 2011*):

38 (a) The Probate Court Administration Fund is established, to consist
39 of the amounts [hereinafter] provided in this section, to be paid over
40 [as herein provided] to the State Treasurer as provided in this section.

41 (b) The State Treasurer shall be the custodian of the fund established
42 by this section, with power to administer it, and to invest and reinvest
43 as much of [said] the fund as is not required for current disbursements

44 in accordance with the provisions of the general statutes regarding the
45 investment of savings banks.

46 (c) All payments from [said] the fund established by this section that
47 are authorized by sections 5-259, as amended by this act, 17a-77, 17a-
48 274, 17a-498, 17a-510, 19a-131b, 19a- 131e, 19a-221, 45a-1 to 45a-12,
49 inclusive, 45a-18 to 45a-26, inclusive, as amended by this act, 45a-34 to
50 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive,
51 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to [45a-94]
52 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-
53 119 to 45a-123, inclusive, as amended by this act, 45a-128, 45a-130, 45a-
54 131, 45a-133, 45a-152, 45a-175 to 45a-180, inclusive, 45a-199, sections 11
55 and 19 of this act and section 45a-202, shall be made upon vouchers
56 approved by the Probate Court Administrator.

57 (d) Monthly there shall be transferred from the fund established by
58 this section to the retirement fund established by section 45a-35 not
59 less than sufficient moneys, taking into account receipts by said
60 retirement fund under the provisions of sections 45a-44 and 45a-45, to
61 enable said retirement fund to meet its obligations as estimated by the
62 Retirement Commission, until the Retirement Commission certifies
63 that the retirement fund is on a sound actuarial basis.

64 (e) On or before July first annually, the Retirement Commission
65 shall certify to the State Treasurer, on the basis of an actuarial
66 determination, the amount to be transferred to the retirement fund to
67 maintain the actuarial funding program adopted by the Retirement
68 Commission.

69 (f) In addition to the [aforesaid] payments authorized in subsections
70 (a) to (e), inclusive, of this section, there shall be transferred from time
71 to time from the fund established by this section to the retirement fund
72 established by section 45a-35 such amounts as are determined by the
73 Probate Court Administrator not to be required for other purposes of
74 sections 45a-20 and 45a-76 to 45a-83, inclusive, as amended by this act,
75 until the Retirement Commission certifies that the retirement fund is

76 on a sound actuarial basis. Thereafter there shall be transferred from
77 time to time from the fund established by this section to the General
78 Fund such amounts as are determined by the Probate Court
79 Administrator not to be required for the purposes of said sections.

80 (g) If at any time thereafter the Retirement Commission certifies that
81 the retirement fund established by section 45a-35 is no longer on a
82 sound actuarial basis, the Retirement Commission shall provide notice
83 to the General Assembly and the Governor, and transfers from [this]
84 the fund established by this section to the retirement fund shall be
85 resumed until the Retirement Commission again certifies that said
86 retirement fund is on a sound actuarial basis, at which time the
87 Retirement Commission shall provide notice to the General Assembly
88 and the Governor, and transfers from [this] the fund established by
89 this section to the General Fund shall be resumed.

90 (h) All payments of assessments imposed by section 45a-92, as
91 amended by this act, with respect to income received by any judge of
92 probate on or after January 1, 1968, shall be paid in accordance with
93 the schedule set forth in section 45a-92, as amended by this act.

94 (i) The State Treasurer shall, on or before October first, annually,
95 give an accounting of the Probate Court Administration Fund,
96 showing the receipts and disbursements and the balance or condition
97 thereof, as of the preceding June thirtieth, to the Connecticut Probate
98 Assembly, the Governor and [to] the joint standing committee of the
99 General Assembly having cognizance of matters relating to the
100 judiciary.

101 (j) [In the event that any court of probate otherwise receives income
102 which is insufficient to meet, on an ongoing basis, the reasonable and
103 necessary financial needs of that court, including the salaries of the
104 judge and the judge's staff, there] There shall be transferred from time
105 to time from the Probate Court Administration Fund such budgeted
106 amounts as are [determined by the Probate Court Administrator to be
107 reasonable and necessary] established in accordance with section 11 of

1108 this act or such expenditures as are authorized pursuant to subsection
1109 (c) of section 45a-84, as amended by this act, for the proper
1110 administration of each [such] court of probate. [Except as provided in
1111 subsection (k) of section 45a-92, the judge's annual salary shall not
1112 exceed the average annual salary of such judge for the three-year
1113 period next preceding the request for financial assistance or the
1114 product resulting from the multiplication of fifteen dollars by the
1115 annual weighted-workload of the court, as defined in subsection (c) of
1116 section 45a-92, whichever is greater, but not to exceed the annual
1117 compensation provided in subsection (k) of section 45a-92.

1118 (k) Each judge of probate requesting financial assistance at any time
1119 during any calendar year shall file with the Probate Court
1120 Administrator a sworn statement showing the actual gross receipts
1121 and itemized expenses of the judge's court and the amount requested,
1122 together with an explanation therefor. The Probate Court
1123 Administrator may approve and issue an invoice to the State
1124 Comptroller pursuant to subsection (c) of this section, authorizing
1125 payment to the court of probate in such amounts as shall have been
1126 approved by the Probate Court Administrator.

127 (l) The Probate Court Administrator may issue regulations pursuant
128 to subdivision (1) of subsection (b) of section 45a-77 in order to carry
129 out the intent of subsections (j) and (k) of this section.]

130 Sec. 3. Section 45a-84 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective January 1, 2011*):

132 (a) (1) On or before April first of each year, the Probate Court
133 Administrator shall prepare a proposed budget for the next succeeding
134 fiscal year beginning July first, for the appropriate expenditures of
135 funds from the Probate Court Administration Fund to carry out the
136 statutory duties of the Probate Court Administrator. The proposed
137 budget shall reflect all costs related to the office of the Probate Court
138 Administrator and the operation of the courts of probate, including,
139 but not limited to, compensation, group hospitalization and medical

140 and surgical insurance plans and retirement benefits for probate
141 judges and employees. Expenditures in the proposed budget shall not
142 exceed anticipated available funds.

143 (2) The Probate Court Administrator shall submit the proposed
144 budget to the executive committee of the Connecticut Probate
145 Assembly for review. The executive committee shall return the
146 proposed budget to the Probate Court Administrator [no] not later
147 than May first, together with its comments and recommendations
148 concerning the proposed expenditures. The Probate Court
149 Administrator shall thereafter prepare a proposed final budget,
150 including such changes recommended by the executive committee as
151 the Probate Court Administrator deems appropriate. On or before May
152 fifteenth, the Probate Court Administrator shall transmit the proposed
153 final budget to the Chief Court Administrator for approval, together
154 with the comments and recommendations of the executive committee
155 of the Probate Assembly. On or before June fifteenth of that year, the
156 Chief Court Administrator shall take such action on the budget, or any
157 portion thereof, as the Chief Court Administrator deems appropriate.
158 If the Chief Court Administrator fails to act on the proposed budget on
159 or before June fifteenth, the budget shall be deemed approved as
160 proposed.

161 (b) The Probate Court Administrator may, from time to time,
162 request authority from the Chief Court Administrator to expend
163 additional money from the Probate Court Administration Fund to
164 respond to any matter that could not have been reasonably anticipated
165 in the regular budget process. A copy of all such requests shall be sent
166 to the [president judge] president-judge of the Connecticut Probate
167 Assembly. If the Chief Court Administrator fails to act on the request
168 within twenty-one calendar days of receipt of the request, the request
169 shall be deemed approved.

170 (c) The Probate Court Administrator may authorize such
171 expenditures from the Probate Court Administration Fund for
172 emergency purposes as from time to time may be necessary. [,

173 provided the aggregate amount of such emergency expenditures for
174 any one fiscal year shall not exceed five thousand dollars. A report on
175 each such expenditure shall be sent] If an expenditure under this
176 subsection exceeds ten thousand dollars, the Probate Court
177 Administrator shall send a report on the expenditure to the Chief
178 Court Administrator and the [president judge] president-judge of the
179 Connecticut Probate Assembly within ten days after the expenditure is
180 made.

181 Sec. 4. Section 45a-92 of the general statutes is amended by adding
182 subsection (l) as follows (*Effective from passage*):

183 (NEW) (l) This section applies only to income received by the courts
184 of probate prior to January 5, 2011.

185 Sec. 5. Section 45a-93 of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective from passage*):

187 (a) If a judge of probate leaves office or dies while in office, the
188 successor to such judge in said office [,] shall pay to such judge or the
189 personal representative of a deceased judge [,] a sum representing the
190 accounts receivable for payments due the court in accordance with
191 section 45a-105, as of the date of separation from said office or the date
192 of death in the case of a judge who dies while holding such office.
193 Determination of the basis for such accounts receivable including
194 computation for work in process shall be made in accordance with
195 regulations issued by the Probate Court Administrator. Any payments
196 made to such judge or the personal representative of a deceased judge
197 shall be subject to the provisions of section 45a-92, as amended by this
198 act, and no such payments shall be made unless and until the accounts
199 receivable are collected by the successor judge and no such payments
200 shall be made except within the time for filing a statement signed
201 under penalty of false statement showing the actual gross receipts of
202 the itemized costs of the office in accordance with [said] section 45a-92,
203 as amended by this act. There may be deducted from any such
204 amounts by a successor judge the cost of collection thereof, and any

205 expenses directly attributable to the outgoing judge's or deceased
206 judge's term of office paid by the successor judge. In no event shall any
207 such payments exceed the maximums allowable under the provisions
208 of [said] section 45a-92, as amended by this act, in any one calendar
209 year, and in the aggregate in no event shall the total payments payable
210 under this section exceed one hundred per cent of the average final
211 compensation for such judge as defined in subdivision (1) of section
212 45a-34, as amended by this act, except that such allowable maximum
213 payment shall not include any amounts of money due and payable to
214 the judge at the time of separation from the court or at the time of such
215 judge's death for amounts advanced by such judge to the court for
216 operating expenses and not previously repaid, which amounts may be
217 paid to such judge or personal representative upon receipt of
218 satisfactory proof of the existence of balances due.

219 (b) (1) Except as provided in subdivision (2) of this subsection, the
220 provisions of subsection (a) of this section shall apply to any judge in
221 office on or before January 4, 2011.

222 (2) The provisions of subsection (a) of this section shall not apply to
223 a judge who is first elected on or after January 5, 2011, or who resumes
224 office after a break in service on or after January 5, 2011.

225 (c) On and after January 5, 2011, any payments due a judge under
226 subsection (a) of this section shall be paid from the Probate Court
227 Administration Fund.

228 Sec. 6. Section 45a-56 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective January 1, 2011, and*
230 *applicable to premiums paid on or after January 1, 2011*):

231 (a) Notwithstanding the provisions of section 5-259, as amended by
232 this act, the Comptroller, with the approval of the Attorney General
233 and the Insurance Commissioner, shall arrange and procure a group
234 hospitalization and medical and surgical insurance and dental
235 insurance plan for the probate judges and employees retirement
236 system with coverage equal to that available under section 5-259, as

237 amended by this act, or otherwise available, to retired state employees
238 and their spouses and surviving spouses.

239 (b) Any member of the probate judges and employees retirement
240 system who is retired and receiving benefits from such system, and the
241 spouse of any such member, and upon the death of any such member,
242 such member's surviving spouse, while receiving benefits from such
243 system, may elect to participate in the group insurance plan procured
244 by the Comptroller under subsection (a) of this section.

245 (c) The premium charged for any such member and spouse or
246 surviving spouse who elects to participate in the group hospitalization
247 and medical and surgical portion of such coverage shall be paid from
248 the retirement fund established pursuant to section 45a-35. Twenty per
249 cent of the premium charged for any such member and spouse or
250 surviving spouse who elects to participate in the group dental portion
251 of such coverage shall be paid from said retirement fund, and the
252 remainder of the premium for such coverage shall be paid by the
253 participant. Not later than January 31, 2012, and annually thereafter,
254 the State Treasurer shall transfer from the General Fund to the
255 retirement fund the amount of premium paid from the retirement fund
256 pursuant to this subsection during the prior calendar year. Not later
257 than January 15, 2012, and annually thereafter, the State Retirement
258 Commission shall certify to the State Treasurer the actual amount of
259 premium paid pursuant to this subsection during the prior calendar
260 year.

261 (d) Any such member and spouse or surviving spouse who is a
262 participant in the group insurance plan in effect prior to October 1,
263 1994, may elect to participate in the plan set forth in subsection (a) of
264 this section at the premiums set forth in subsection (c) of this section,
265 provided such election is made within sixty days of October 1, 1994.

266 Sec. 7. Subsections (g) and (h) of section 5-259 of the general statutes
267 are repealed and the following is substituted in lieu thereof (*Effective*
268 *January 5, 2011*):

269 (g) Notwithstanding the provisions of subsection (a) of this section,
270 the Probate Court Administration Fund established in accordance with
271 section 45a-82, as amended by this act, shall pay for each probate judge
272 [and Probate Court employee] and each probate court employee not
273 more than one hundred per cent of the portion of the premium
274 charged for [his or her] the judge's or employee's individual coverage
275 and not more than fifty per cent of any additional cost for [his or her]
276 the judge's or employee's form of coverage. The remainder of the
277 premium for such coverage shall be paid by the probate judge or
278 [Probate Court] probate court employee to the State Treasurer.
279 Payment shall be credited by the State Treasurer to the fund
280 established by section 45a-82, as amended by this act. The total
281 premiums payable shall be remitted by the Probate Court
282 Administrator directly to the insurance company or companies or
283 nonprofit organization or organizations providing the coverage. The
284 Probate Court Administrator shall issue regulations governing group
285 hospitalization and medical and surgical insurance pursuant to
286 subdivision (1) of subsection (b) of section 45a-77, as amended by this
287 act.

288 (h) For the purpose of subsection (g) of this section, ["Probate Court
289 employee"] "probate judge" or "judge" means a duly elected probate
290 judge who works in such judge's capacity as a probate judge at least
291 twenty hours per week, on average, on a quarterly basis and certifies
292 to that fact on forms provided by and filed with the Probate Court
293 Administrator, on or before the fifteenth day of April, July, October
294 and January, for the preceding calendar quarter; and "probate court
295 employee" or "employee" means a person employed by a probate court
296 for at least twenty hours per week.

297 Sec. 8. Section 45a-34 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective January 1, 2011*):

299 The following words and phrases as used in sections 45a-34 to 45a-
300 54, inclusive, and 45a-75 except as otherwise provided, shall have the
301 following meanings:

302 (1) "Average final compensation" means, in the case of a judge of
303 probate, the average annual compensation for the three highest paid
304 years of service while serving in the probate court to which the judge
305 was elected or by citation to any other court or courts, provided, for
306 purposes of this section, the compensation for any one year shall not
307 exceed the maximum net annual income currently allowed by law,
308 and, in the case of an employee, the average annual rate of pay during
309 the employee's three highest paid years of employment;

310 (2) "Credited service" means (A) all periods during which a person
311 held the office of judge of probate and any period of service elected by
312 a judge pursuant to section 45a-36a, as amended by this act, or (B) any
313 period during which a person served as an employee of any probate
314 court or (C) subject to the requirements of subsections (a) and (b) of
315 section 45a-54, a period of not more than three years for service as a
316 member of the General Assembly and military service or (D) the
317 aggregate of any periods of service provided for in subparagraphs (A),
318 (B) and (C) of this subsection;

319 (3) "Employee" means (A) with respect to a person employed or
320 who serves prior to January 1, 2011, a person employed by any probate
321 court for more than four hundred thirty hours per year or a person
322 who served for more than four hundred thirty hours per year
323 performing under any contract of employment with any court of
324 probate, and (B) with respect to a person first employed or who first
325 serves on or after January 1, 2011, a person employed by any probate
326 court for at least one thousand hours per year or a person who serves
327 at least one thousand hours per year performing under any contract of
328 employment with any court of probate;

329 (4) "Fund" means the retirement fund established by section 45a-35;

330 (5) "Judge" means a judge of probate, except that, with respect to a
331 judge first elected for a term beginning on or after January 5, 2011,
332 judge means a person who holds the office of judge of probate and
333 works in such judge's capacity as a judge of probate for at least one

334 thousand hours per year as determined pursuant to information filed
335 by the judge of probate with the Probate Court Administrator
336 pursuant to subsection (h) of section 5-259, as amended by this act;

337 [(5)] (6) "Member" means any judge of probate or employee who is
338 or may become eligible for retirement benefits under sections 45a-34 to
339 45a-54, inclusive, and 45a-75;

340 [(6)] (7) "Normal retirement age" means the age of sixty-two for any
341 judge of probate or any employee;

342 [(7)] (8) "Old Age and Survivors System" means the system
343 established under Title II of the Social Security Act, as amended;

344 [(8)] (9) "Pay" means the salary, wages or earnings of an employee,
345 but does not include any fees or allowances for expenses;

346 [(9)] (10) "Retirement Commission" means the State Retirement
347 Commission; and

348 [(10)] (11) "Social Security Act" means the Act of Congress,
349 approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as
350 the Social Security Act, including regulations issued pursuant thereto,
351 as such act has been and may from time to time be amended.

352 Sec. 9. Section 45a-36a of the general statutes is repealed and the
353 following is substituted in lieu thereof (*Effective October 1, 2009*):

354 Any judge of probate in office on or after October 1, 1997, whose
355 probate district is merged with another district on or before January 5,
356 2011, and who has not been elected to a term which begins at the time
357 of, or subsequent to, such [consolidation] merger, (1) may elect to
358 receive four years of credited service, as defined in subdivision (2) of
359 section 45a-34, as amended by this act, (2) may elect to receive a
360 reduction of his or her retirement age of not more than four years
361 pursuant to subsection (a) of section 45a-36, or (3) may elect any
362 combination of credited service and reduction of retirement age under
363 subdivisions (1) and (2) of this section, provided such combination

364 shall not exceed four years in total. A judge of probate may elect to
365 receive credited service or a reduction of retirement age in accordance
366 with this section at any time once the judge becomes eligible to retire
367 and receive retirement benefits.

368 Sec. 10. (NEW) (*Effective January 1, 2011*) Each court of probate shall
369 remit all fees, costs and other income received, including, but not
370 limited to, moneys received under sections 45a-105 to 45a-112,
371 inclusive, of the general statutes, as amended by this act, to the State
372 Treasurer to be credited to the Probate Court Administration Fund
373 under section 45a-82 of the general statutes, as amended by this act.
374 Expenses paid by a town pursuant to section 45a-8 of the general
375 statutes shall not be remitted to the Probate Court Administration
376 Fund.

377 Sec. 11. (NEW) (*Effective from passage*) (a) The Probate Court
378 Administrator shall establish a Probate Court Budget Committee
379 consisting of the Probate Court Administrator and two judges of
380 probate appointed by the Connecticut Probate Assembly. The Probate
381 Court Administrator shall serve as chairperson of the committee.

382 (b) Not later than June 30, 2010, and annually thereafter, the
383 committee shall establish, in accordance with the criteria established in
384 regulations issued pursuant to subsection (b) of section 45a-77 of the
385 general statutes, as amended by this act: (1) A compensation plan,
386 which plan shall include employee benefits, for employees of the
387 courts of probate, (2) staffing levels for each court of probate, and (3) a
388 miscellaneous office budget for each court of probate. Such
389 compensation plan, staffing levels and office budgets shall be
390 established within the expenditures and anticipated available funds in
391 the proposed budget established pursuant to section 45a-84 of the
392 general statutes, as amended by this act.

393 Sec. 12. (NEW) (*Effective January 5, 2011*) As used in this section and
394 section 13 of this act:

395 (1) "Band 1 probate district" means a probate district that has a

396 population of less than forty thousand, except a probate district that
397 has a population of less than forty thousand with an annual weighted-
398 workload of at least three thousand, but less than four thousand one
399 hundred, which constitutes a band 2 probate district.

400 (2) "Band 2 probate district" means a probate district that has a
401 population of at least forty thousand but less than fifty thousand,
402 except that a probate district with less than forty thousand with an
403 annual weighted-workload of at least three thousand, but less than
404 four thousand one hundred, shall be a band 2 probate district.

405 (3) "Band 3 probate district" means a probate district that has a
406 population of at least fifty thousand but less than sixty thousand,
407 except that a probate district with less than fifty thousand with an
408 annual weighted-workload of at least four thousand one hundred, but
409 less than four thousand nine hundred, shall be a band 3 probate
410 district.

411 (4) "Band 4 probate district" means a probate district that has a
412 population of sixty thousand or more, except that a probate district
413 with less than sixty thousand with an annual weighted-workload of at
414 least four thousand nine hundred shall be a band 4 probate district.

415 (5) "Population" means the annual population estimate by the
416 Department of Public Health for each city or town as of October first of
417 the immediately preceding calendar year.

418 (6) "Annual weighted-workload" means the annual weighted-
419 workload for the immediately preceding fiscal year as defined in
420 regulations issued by the Probate Court Administrator pursuant to
421 subdivision (1) of subsection (b) of section 45a-77 of the general
422 statutes, as amended by this act.

423 Sec. 13. (NEW) (*Effective January 5, 2011*) (a) Notwithstanding any
424 provision of title 45a of the general statutes concerning compensation
425 for judges of probate, and subject to the provisions of subsections (b)
426 and (c) of this section, for any calendar year, compensation for judges

427 of probate shall be determined as follows:

428 (1) A judge of probate who serves a band 1 probate district shall
429 receive annual compensation equal to forty-five per cent of the
430 compensation of a judge of the superior court as set forth in subsection
431 (a) of section 51-47 of the general statutes.

432 (2) A judge of probate who serves a band 2 probate district shall
433 receive annual compensation equal to fifty-five per cent of the
434 compensation of a judge of the superior court as set forth in subsection
435 (a) of section 51-47 of the general statutes.

436 (3) A judge of probate who serves a band 3 probate district shall
437 receive annual compensation equal to sixty-five per cent of the
438 compensation of a judge of the superior court as set forth in subsection
439 (a) of section 51-47 of the general statutes.

440 (4) A judge of probate who serves a band 4 probate district shall
441 receive annual compensation equal to seventy-five per cent of the
442 compensation of a judge of the superior court as set forth in subsection
443 (a) of section 51-47 of the general statutes.

444 (b) Notwithstanding the provisions of subsection (a) of this section,
445 no judge of probate in office on January 4, 2011, may, for the term of
446 office beginning January 5, 2011, and ending January 6, 2015, receive
447 compensation under subsection (a) of this section that is less than
448 eighty per cent of the average annual compensation for the judge of
449 probate during the three-year period from January 1, 2008, to
450 December 31, 2010, inclusive. The provisions of this subsection shall
451 not apply to the compensation of a judge of probate whose district
452 results from a merger that becomes effective on January 5, 2011, or to
453 any person first elected to serve as a judge of probate for a term
454 beginning on or after January 5, 2011.

455 (c) For any calendar year, compensation of any judge of probate
456 who assumes office or ceases to hold office during such calendar year
457 shall be determined by multiplying the judge's annual compensation

determined in accordance with subsections (a) and (b) of this section by a fraction with the number of days served during the calendar year as the numerator of the fraction and three hundred sixty-five as the denominator of the fraction.

Sec. 14. Section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 5, 2011*):

(a) Any person aggrieved by any order, denial or decree of a court of probate in any matter, unless otherwise specially provided by law, may, not later than forty-five days after the mailing of an order, denial or decree for a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to 45a-705, inclusive, and not later than thirty days after mailing of an order, denial or decree for any other matter in a court of probate, appeal therefrom to the Superior Court. Such an appeal shall be commenced by filing a complaint in the superior court in the judicial district in which such court of probate is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367 or subsection (b) of section 12-395 shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning removal of a parent as guardian, termination of parental rights or adoption shall be filed in the superior court for juvenile matters having jurisdiction over matters arising in such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint. Appeals from any decision rendered in any case after a recording is made of the proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73 shall be on the record and shall not be a trial de novo.

(b) Each person who files an appeal pursuant to this section shall [serve] mail a copy of the complaint [on] to the court of probate that rendered the order, denial or decree appealed from, and serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50,

491 service of the copy of the complaint shall be by state marshal, constable
492 or an indifferent person. Service shall be in hand or by leaving a copy
493 [at the court of probate that rendered the order being appealed, or by
494 leaving a copy] at the place of residence of the interested party being
495 served or at the address for the interested party on file with said court
496 of probate, except that service on a respondent or conserved person in
497 an appeal from an action under part IV of chapter 802h shall be in
498 hand by a state marshal, constable or an indifferent person.

499 (c) Not later than fifteen days after a person files an appeal under
500 this section, the person who filed the appeal shall file or cause to be
501 filed with the clerk of the Superior Court a document containing (1) the
502 name, address and signature of the person making service, and (2) a
503 statement of the date and manner in which a copy of the complaint
504 was served on the court of probate and each interested party.

505 (d) If service has not been made on an interested party, the Superior
506 Court, on motion, shall make such orders of notice of the appeal as are
507 reasonably calculated to notify any necessary party not yet served.

508 (e) A hearing in an appeal from probate proceedings under section
509 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,
510 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,
511 45a-703 or 45a-717 shall commence, unless a stay has been issued
512 pursuant to subsection (f) of this section, not later than ninety days
513 after the appeal has been filed.

514 (f) The filing of an appeal under this section shall not, of itself, stay
515 enforcement of the order, denial or decree from which the appeal is
516 taken. A motion for a stay may be made to the Court of Probate or the
517 Superior Court. The filing of a motion with the Court of Probate shall
518 not preclude action by the Superior Court.

519 (g) Nothing in this section shall prevent any person aggrieved by
520 any order, denial or decree of a court of probate in any matter, unless
521 otherwise specially provided by law, from filing a petition for a writ of
522 habeas corpus, a petition for termination of involuntary representation

523 or a petition for any other available remedy.

524 (h) (1) Except for matters described in subdivision (3) of this
525 subsection, in any appeal filed under this section, the appeal may be
526 referred by the Superior Court to a special assignment probate judge
527 appointed in accordance with section 45a-79b, who is assigned by the
528 Probate Court Administrator for the purposes of such appeal, except
529 that any party may file a demand in writing with the Superior Court
530 that such appeal be heard by the Superior Court. Any such demand
531 shall be filed no later than twenty days after service of the appeal.

532 (2) An appeal referred to a special assignment probate judge
533 pursuant to this subsection shall proceed in accordance with the rules
534 for references set forth in the rules of the judges of the superior court.

535 (3) The following matters shall not be referred to a special
536 assignment probate judge pursuant to this subsection: Appeals under
537 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to
538 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,
539 inclusive, children's matters as defined in subsection (a) of section 45a-
540 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive,
541 and 45a-690 to 45a-700, inclusive, and any matter in a court of probate
542 heard on the record in accordance with sections 51-72 and 51-73.

543 Sec. 15. Section 45a-18 of the general statutes is repealed and the
544 following is substituted in lieu thereof (*Effective October 1, 2009*):

545 (a) There shall be a court of probate in each probate district held by
546 one judge elected by the electors residing in such district at the state
547 election in 1974, and every four years thereafter.

548 (b) Each judge of probate shall hold office for four years beginning
549 on the Wednesday after the first Monday in January next following his
550 or her election.

551 (c) Each judge of probate, before entering upon his or her duties as a
552 judge of probate, shall be sworn and shall record his or her certificate

553 of election upon the records of his or her court of probate.

554 (d) [He] Each judge of probate shall appoint a clerk and may
555 appoint one or more assistant clerks, each of whom shall be sworn to a
556 faithful performance of [his] such clerk's duties and shall, when
557 required, give whatever bond the judge deems necessary. Each such
558 clerk shall continue in office until [he] such clerk resigns, is removed or
559 is superseded.

560 (e) Each judge of probate elected for a term that begins on or after
561 January 5, 2011, shall be a member of the bar of the state of
562 Connecticut, except that the requirements of this subsection shall not
563 apply to any judge of probate who was in office on January 4, 2011, for
564 the period such judge of probate continues to serve as a judge of
565 probate on and after January 5, 2011, without a break in service.

566 Sec. 16. Subsection (a) of section 45a-79c of the general statutes is
567 repealed and the following is substituted in lieu thereof (*Effective*
568 *January 1, 2011*):

569 (a) A court of probate shall be open to the public for the conduct of
570 court business not less than [twenty] forty hours each week, Monday
571 through Friday, excluding holidays, on a regular schedule between the
572 hours of eight o'clock a.m. and five o'clock p.m. The judge of probate
573 of a probate district may close a court temporarily owing to inclement
574 weather, an emergency or other good cause. Such judge shall
575 immediately give notice of a temporary closing to the Probate Court
576 Administrator, together with the reason for such closing and the date
577 and time when the court will reopen.

578 Sec. 17. Subsection (c) of section 45a-111 of the general statutes is
579 repealed and the following is substituted in lieu thereof (*Effective*
580 *January 1, 2011*):

581 (c) If a petitioner or applicant to a court of probate claims that unless
582 his or her obligation to pay the fees and the necessary costs of the
583 action, including the cost of service of process, is waived, such

petitioner or applicant will be deprived by reason of his or her indigency of his or her right to bring a petition or application to such court or that he or she is otherwise unable to pay the fees and necessary costs of the action, he or she may file with the clerk of such court of probate an application for waiver of payment of such fees and necessary costs. Such application shall be signed under penalty of false statement, shall state the applicant's financial circumstances, and shall identify the fees and costs sought to be waived and the approximate amount of each. If the court finds that the applicant is unable to pay such fees and costs it shall order such fees and costs waived. If such costs include the cost of service of process, the court, in its order, shall indicate the method of service authorized and the cost of such service shall be paid from funds appropriated to the Judicial Department, however, if funds have not been included in the budget of the Judicial Department for such costs, such costs shall be paid from the Probate Court Administration Fund. [Any fee waived under this section shall be reimbursed to the court of probate from the funds appropriated to the Judicial Department, however, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund pursuant to rules and regulations established by the Probate Court Administrator.]

Sec. 18. Section 45a-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 5, 2011*):

(a) (1) In any matter pending in any court of probate, except an involuntary patient matter or involuntary commitment matter under chapter 319i, a temporary custody matter under part II of chapter 802h, or an involuntary representation matter under part IV of chapter 802h, the court may [appoint a committee of a disinterested person or a former judge of] refer the matter, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 19 of this act to hear the matter. [The former judge shall be selected from a panel of judges provided by the Probate Court Administrator. The

618 court shall give notice of the time and place of the hearing. Such
619 committee]

620 (2) The probate magistrate or attorney probate referee to whom the
621 matter is referred shall hear the matter and file a report [its] with the
622 court on his or her findings of fact and conclusions drawn therefrom
623 not later than [thirty] sixty days after the [date] conclusion of such
624 hearing. [to the court.] The probate magistrate or attorney probate
625 referee may file an amendment to the report with the court prior to the
626 date the court accepts, modifies or rejects the report pursuant to
627 subdivision (4) of this subsection. Upon the filing of any report or
628 amendment to a report under this subsection, the probate clerk shall
629 provide a copy of the report or amendment to the report to the parties
630 and their attorneys.

631 (3) Any party aggrieved by a finding of fact or a conclusion drawn
632 therefrom in a report or amendment to a report may file an objection
633 with the court not later than twenty-one days after the date the report
634 was filed pursuant to subdivision (2) of this subsection.

635 (4) At least twenty-one days after a report is filed pursuant to
636 subdivision (2) of this subsection, the court shall hold a hearing on the
637 report and any amendment to the report or objection filed pursuant to
638 this subsection. Not later than thirty days after the conclusion of a
639 hearing under this subsection, the court shall determine whether to
640 accept, modify or reject the report or any amendment to the report. If
641 the court finds that the probate magistrate or attorney probate referee
642 has materially erred in his or her findings or conclusions in such report
643 or amendment or that there are other sufficient reasons why the report
644 or amendment should not be accepted, the court shall, in the court's
645 discretion, modify or reject the report or amendment. If the court
646 [accepts the findings, it shall issue a decree. If the court rejects the
647 findings, it] rejects the report and any amendment to the report, the
648 court may hear and determine the matter or [appoint a different
649 committee] refer the matter to a different probate magistrate or
650 attorney probate referee assigned by the Probate Court Administrator

651 pursuant to section 19 of this act to hear the matter and report [its] his
652 or her findings of fact and conclusions drawn therefrom in accordance
653 with subdivision (2) of this subsection, provided the parties or their
654 attorneys consent to such referral. If the court accepts or modifies the
655 report or amendment, the court shall issue a decree.

656 (5) The court shall give notice to the parties and their attorneys of
657 the time and place of any hearing under this subsection.

658 (b) [The committee] Each probate magistrate and attorney probate
659 referee shall be sworn to faithfully perform the duties of [its
660 appointment] a probate magistrate or attorney probate referee, as the
661 case may be, and shall have all the powers conferred by law upon
662 [courts] judges of probate for procuring the attendance of witnesses
663 and for punishing for contempt.

664 [(c) The committee's fees shall not exceed two hundred fifty dollars
665 per diem and shall be fixed by the court and paid by the executor,
666 administrator, trustee, conservator, guardian or other party to the
667 action, or by the court pursuant to regulations established by the
668 Probate Court Administrator. If a party is unable to pay such fees and
669 files an affidavit with the court demonstrating an inability to pay, the
670 reasonable compensation of the committee shall be established by the
671 Probate Court Administrator and paid from the Probate Court
672 Administration Fund.]

673 Sec. 19. (NEW) (Effective January 5, 2011) (a) (1) There shall be
674 probate magistrates for the purpose of hearing matters referred
675 pursuant to section 45a-123 of the general statutes, as amended by this
676 act. Any former judge of probate under seventy years of age, other
677 than a judge of probate receiving a retirement allowance under section
678 45a-40 of the general statutes due to permanent and total disability,
679 who is an elector of this state shall be eligible for nomination,
680 appointment or assignment as a probate magistrate.

681 (2) The Probate Court Administrator may nominate former judges
682 of probate who meet the requirements of this subsection to serve as

683 probate magistrate. The Probate Court Administrator shall provide a
684 list of such nominated former judges to the Chief Justice of the
685 Supreme Court and update the list as necessary. The Chief Justice shall
686 appoint probate magistrates from the list for a term of three years and
687 inform the Probate Court Administrator of such appointments. The
688 Probate Court Administrator shall assign probate magistrates pursuant
689 to section 45a-123 of the general statutes, as amended by this act, from
690 among the probate magistrates appointed by the Chief Justice.

691 (3) Each probate magistrate shall receive, for each day the probate
692 magistrate is engaged as a probate magistrate, in addition to any
693 retirement salary the probate magistrate is entitled to receive, an
694 amount of fifty dollars per hour, not to exceed two hundred fifty
695 dollars per day, for each day of service. Such service includes, but is
696 not limited to, conducting hearings and preparing a report or
697 amendment to a report pursuant to section 45a-123 of the general
698 statutes, as amended by this act. Service as a probate magistrate shall
699 not constitute credited service for purposes of health, retirement or
700 other benefits. Amounts paid to a probate magistrate under this
701 subdivision shall be paid from the Probate Court Administration Fund
702 established under section 45a-82 of the general statutes, as amended by
703 this act.

704 (b) (1) In addition to the probate magistrates appointed pursuant to
705 subsection (a) of this section, there shall be attorney probate referees
706 for the purpose of hearing matters referred pursuant to section 45a-123
707 of the general statutes, as amended by this act. Any individual who
708 has been a member of the bar of this state in good standing for at least
709 five years, is an elector of this state and is under seventy years of age
710 shall be eligible for nomination, appointment and assignment as an
711 attorney probate referee.

712 (2) The Probate Court Administrator may nominate individuals
713 who meet the requirements of this subsection as attorney probate
714 referees. Any judge of probate may submit to the Probate Court
715 Administrator, on such form and in such manner as the Probate Court

716 Administrator prescribes, a recommendation that the Probate Court
717 Administrator nominate a specified individual as attorney probate
718 referee, provided the individual meets the requirements of this
719 subsection. The Probate Court Administrator shall consider any such
720 recommendation prior to making a nomination under this subdivision,
721 but shall not be bound by such recommendation. The Probate Court
722 Administrator shall ensure geographic, racial and ethnic diversity
723 among individuals nominated as attorney probate referee.

724 (3) The Probate Court Administrator shall provide a list of
725 individuals nominated as attorney probate referee to the Chief Justice
726 of the Supreme Court and update the list as necessary. The Chief
727 Justice shall appoint attorney probate referees from the list for a term
728 of three years and inform the Probate Court Administrator of such
729 appointments. The Probate Court Administrator shall assign attorney
730 probate referees pursuant to section 45a-123 of the general statutes, as
731 amended by this act, from among the attorney probate referees
732 appointed by the Chief Justice.

733 (4) No attorney probate referee shall receive compensation for his or
734 her duties as an attorney probate referee.

735 (5) Not later than January 1, 2012, and annually thereafter, the
736 Probate Court Administrator shall submit a report to the Governor and
737 the joint standing committee of the General Assembly having
738 cognizance of matters relating to the judiciary that includes (1) the
739 number of attorney probate referees nominated, appointed and
740 assigned under this subsection during the prior calendar year, and (2)
741 an analysis of the geographic, racial and ethnic diversity of attorney
742 probate referees nominated, appointed and assigned under this
743 subsection during the prior calendar year. The report shall be
744 submitted in accordance with section 11-4a of the general statutes.

745 (c) Each probate magistrate and attorney probate referee shall
746 complete continuing education programs established for such
747 magistrates and referees under regulations issued by the Probate Court

748 Administrator pursuant to section 45a-77 of the general statutes, as
749 amended by this act.

750 (d) No person shall be subject to the requirements of sections 45a-25
751 and 45a-26 of the general statutes with respect to judges of probate
752 solely on the basis of such person's nomination, appointment or
753 assignment as a probate magistrate or an attorney probate referee.

754 Sec. 20. Section 45a-90 of the general statutes is repealed and the
755 following is substituted in lieu thereof (*Effective October 1, 2009*):

756 (a) There shall be an assembly of the elected and qualified acting
757 judges of the courts of probate, to be known as the Connecticut Probate
758 Assembly, of which all judges of probate shall be members. The annual
759 meeting of the assembly shall be held on any day in April in the
760 Supreme Court room at Hartford. Other stated or special meetings of
761 the assembly shall be held as provided in its bylaws.

762 (b) The assembly shall transact any business which may properly
763 come before its meetings and which pertains to the probate courts, the
764 improvement of and uniformity in their procedure and practice, the
765 administration of justice in the courts of probate and the
766 administration of the assembly. The assembly may make such
767 recommendations to the Probate Court Administrator as it sees fit
768 regarding any or all of these matters. The assembly may adopt bylaws
769 to govern it and its meetings.

770 (c) Any probate magistrate or attorney probate referee appointed
771 pursuant to section 19 of this act may attend any annual or special
772 meeting of the assembly or any educational program of the assembly,
773 but shall have no vote in any decision of the assembly.

774 Sec. 21. (*Effective from passage*) (a) There is established a probate
775 redistricting commission for the purpose of developing a plan for the
776 consolidation of probate districts established in sections 45a-2 to 45a-
777 6k, inclusive, of the general statutes. Such plan shall be developed in
778 accordance with section 22 of this act.

779 (b) The probate redistricting commission shall consist of the
780 following members:

781 (1) Two appointed by the speaker of the House of Representatives;

782 (2) Two appointed by the president pro tempore of the Senate;

783 (3) Two appointed by the minority leader of the House of
784 Representatives;

785 (4) Two appointed by the minority leader of the Senate;

786 (5) One appointed by the majority leader of the House of
787 Representatives;

788 (6) One appointed by the majority leader of the Senate;

789 (7) Two appointed by the Governor; and

790 (8) The Probate Court Administrator, as a nonvoting, ex-officio
791 member.

792 (c) Any member of the probate redistricting commission appointed
793 under subdivision (1), (2), (3), (4), (5), (6) or (7) of subsection (b) of this
794 section may be a (1) member of the General Assembly, or (2) judge of
795 probate.

796 (d) All appointments to the probate redistricting commission shall
797 be made not later than thirty days after the effective date of this
798 section. Any vacancy shall be filled by the appointing authority. The
799 Probate Court Administrator shall schedule the first meeting of the
800 probate redistricting commission, which shall be held not later than
801 forty-five days after the effective date of this section.

802 (e) There shall be one chairperson of the probate redistricting
803 commission who shall be selected by and from among the voting
804 members of the probate redistricting commission.

805 (f) The office of the Probate Court Administrator shall provide

806 administrative support to the probate redistricting commission,
807 including, but not limited to, clerical staff and supplies.

808 (g) The probate redistricting commission shall terminate as
809 provided in subsection (f) of section 22 of this act.

810 Sec. 22. (*Effective from passage*) (a) The probate redistricting
811 commission established in section 21 of this act shall develop a plan for
812 consolidating the probate court districts established in sections 45a-2 to
813 45a-6k, inclusive, of the general statutes. Under the plan, there shall be
814 no fewer than forty-four probate court districts and no more than fifty
815 probate court districts. Additional criteria to be considered by the
816 probate redistricting commission when establishing probate court
817 districts under the plan include (1) a requirement that each probate
818 court district contain a minimum population of forty thousand persons
819 determined in accordance with the last annual population estimate by
820 the Department of Public Health as of October 1, 2008, for each city or
821 town, or in the alternative, an annual weighted-workload of the court
822 of three thousand, calculated in accordance with subdivision (6) of
823 section 12 of this act, provided the plan may allow for probate court
824 districts that do not meet either requirement set forth in this
825 subdivision, taking into consideration the following criteria: (A) The
826 geographic accessibility of the probate court to residents of the
827 proposed probate court district; (B) the availability of municipal
828 facilities to house the probate court; and (C) communities of interest
829 among municipalities sharing a proposed probate court district; (2) a
830 requirement that no municipality may be included in more than one
831 probate court district; and (3) any other criteria deemed appropriate
832 and necessary by the probate redistricting commission.

833 (b) The Connecticut Probate Assembly may submit a plan for
834 redistricting the various probate courts to the probate redistricting
835 commission not later than forty-five days after the effective date of this
836 section, provided such plan meets the criteria set forth in subsection (a)
837 of this section. In developing such plan, the Connecticut Probate
838 Assembly may consider any voluntary consolidations agreed to by

839 towns in this state. The probate redistricting commission may consider
840 any plan submitted by the Connecticut Probate Assembly in
841 accordance with this subsection, but shall not be bound by such plan.

842 (c) The probate redistricting commission shall hold a public hearing
843 on any plan submitted by the Connecticut Probate Assembly pursuant
844 to subsection (b) of this section and may hold a public hearing on any
845 other subject deemed appropriate by the commission.

846 (d) The probate redistricting commission shall develop a plan for
847 the consolidation of probate districts in accordance with the criteria set
848 forth in subsection (a) of this section. Such plan shall include
849 recommended amendments to sections 45a-2 to 45a-6k, inclusive, of
850 the general statutes and other sections of the general statutes necessary
851 to implement the plan.

852 (e) Not later than September 15, 2009, the probate redistricting
853 commission shall file a plan for the consolidation of probate districts
854 established in sections 45a-2 to 45a-6k, inclusive, of the general statutes
855 with the clerk of the House of Representatives and the clerk of the
856 Senate, except that the probate redistricting commission may not
857 submit a plan to said clerks unless the plan has received the
858 affirmative vote of at least seven members of the probate redistricting
859 commission. The commission shall file a copy of the plan with the
860 Governor on the date the plan is filed with said clerks.

861 (f) (1) Upon the filing of a report with said clerks pursuant to
862 subsection (e) of this section, the speaker of the House of
863 Representatives and the president pro tempore of the Senate shall
864 convene the General Assembly in special session for the sole purpose
865 of considering and voting on the plan. Upon the request of the speaker
866 of the House of Representatives and the president pro tempore of the
867 Senate, the Secretary of the State shall give notice of such special
868 session by mailing a true copy of the call of such special session, by
869 registered or certified mail, return receipt requested, to each member
870 of the House of Representatives and of the Senate at his or her address

871 as it appears upon the records of said secretary not less than ten or
872 more than fifteen days prior to the date of convening of such special
873 session or by causing a true copy of the call to be delivered to each
874 member by a constable, state policeman or indifferent person at least
875 twenty-four hours prior to the time of convening of such special
876 session.

877 (2) Not later than twenty-five days after a probate redistricting plan
878 is filed with said clerks, the General Assembly shall convene to
879 consider and vote on such plan. The General Assembly shall, upon roll
880 call, adopt the probate redistricting plan if the members deem the plan
881 necessary and appropriate to preserve the probate courts and the
882 proper functioning and funding thereof. If the General Assembly
883 approves the plan, the clerks shall immediately transmit the plan to the
884 Governor.

885 (3) Not later than five calendar days after the transmittal of a plan
886 approved pursuant to subdivision (2) of this subsection, the Governor
887 shall approve or disapprove the plan.

888 (4) Neither the General Assembly nor the Governor may amend the
889 plan.

890 (5) If the General Assembly or the Governor fails to approve such
891 plan not later than thirty days after the plan is filed with the clerks of
892 the House of Representatives and the Senate, the probate redistricting
893 commission shall reconvene for the purpose of developing a revised
894 probate redistricting plan. Such revised probate redistricting plan shall
895 meet the criteria set forth in subsection (a) of this section and shall be
896 filed with the clerk of the House of Representatives and the clerk of the
897 Senate not later than thirty days after the prior plan failed to be
898 approved. Upon the filing of a revised probate redistricting plan with
899 said clerks, the speaker of the House of Representatives and the
900 president pro tempore of the Senate shall convene the General
901 Assembly pursuant to subdivision (2) of this subsection or, if the
902 House of Representatives or the Senate has adjourned the special

903 session convened pursuant to subdivision (1) of this subsection,
904 convene the General Assembly in special session in the manner set
905 forth in subdivision (1) of this subsection. The revised probate
906 redistricting plan shall be considered and transmitted in the manner
907 set forth in subdivisions (2) to (4), inclusive, of this subsection.

908 (6) The probate redistricting commission shall terminate on the date
909 a redistricting plan is approved by the General Assembly and the
910 Governor pursuant to this subsection, or February 3, 2010, whichever
911 is earlier.

912 Sec. 23. (*Effective from passage*) (a) Notwithstanding the provisions of
913 sections 9-218 and 9-450 of the general statutes, no election may be
914 held prior to November 2, 2010, to fill a vacancy or impending vacancy
915 in the office of judge of probate.

916 (b) The Probate Court Administrator shall cite one or more judges of
917 probate in accordance with section 45a-120 of the general statutes to fill
918 any vacancy in the office of judge of probate in effect on or after the
919 effective date of this section, until the judges of probate elected on
920 November 2, 2010, in accordance with subsection (a) of section 45a-18
921 of the general statutes, as amended by this act, begin to hold office on
922 January 5, 2011, in accordance with subsection (b) of section 45a-18 of
923 the general statutes, as amended by this act.

924 Sec. 24. Section 45a-55 of the general statutes is repealed and the
925 following is substituted in lieu thereof (*Effective January 5, 2011*):

926 (a) Any claim for a pension or any other benefit which may become
927 available in accordance with the provisions of sections 45a-1 to 45a-12,
928 inclusive, 45a-18 to 45a-26, inclusive, as amended by this act, 45a-34 to
929 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive,
930 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to [45a-94]
931 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-
932 119 to 45a-123, inclusive, as amended by this act, 45a-128, 45a-130, 45a-
933 131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to the
934 commission. Any such claim will be reviewed and decided by the

935 commission. The claimant shall be advised of the processing status of
 936 his claim upon reasonable request.

937 (b) If any claim is denied, a claimant may request that the decision
 938 be reviewed and reconsidered by the commission. Thereafter, any
 939 contested case shall be heard and decided in accordance with chapter
 940 54.

941 Sec. 25. Section 45a-189 of the general statutes is repealed. (*Effective*
 942 *October 1, 2009*)

943 Sec. 26. Section 45a-94 of the general statutes is repealed. (*Effective*
 944 *January 5, 2011*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	45a-77(b)
Sec. 2	<i>January 1, 2011</i>	45a-82
Sec. 3	<i>January 1, 2011</i>	45a-84
Sec. 4	<i>from passage</i>	45a-92
Sec. 5	<i>from passage</i>	45a-93
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